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SUBJECT: APPROVAL FOR RULE OF LAW STABILIZATION PROGRAM

REF: KABUL 2932

¶1. (U) Washington has reviewed the US Government Rule of Law Strategy for Afghanistan and the revised Rule of Law Stabilization (RLS) Program, and agrees with Ambassador Eikenberry's message (REFTEL) highlighting the need to move forward with a program that begins to address one of Afghanistan's biggest governance challenges.

¶2. (SBU) We approve Pillars 1, 3, and 4 of the Rule of Law strategy, but would like to consult further with Embassy Kabul on pillar 2 (corrections and detention). We support Embassy Kabul's plan to implement the Rule of Law Stabilization (RLS) program, with the following caveats and requests:

-- Coverage. The revised RLS program plan for Pillar 3, supporting traditional justice mechanisms, expanded coverage to 3-6 teams working in as many as 42 districts of four provinces in RC-South. This is an ambitious expansion; we look forward to regular reports about the initial build-up as well as the preliminary field work prior to the six-month review. Washington understands that the contractor's ability to field teams in this many districts is contingent upon security and mobility issues.

-- Regular Reporting. Although there will be a six-month review, we ask for monthly updates from post on the progress in a few key areas to give greater visibility on the success and progress of the pilot Pillar 3 program. These reports should include:

- Number of teams in the field;
- Number of districts covered;
- Number of disputes addressed;
- Best practices/lessons learned;
- Any additional information post deems important to

assess the impact of the program.

--Status updates on the embedded RLS advisors. Washington understands that the U.S. Rule of Law Coordinators will be based at the regional platforms and at the PRTs, and will work closely with RLS implementation teams to assure synergy within our justice sector programming. We also are aware that the RLS strategy proposes to add experts from Muslim countries/Afghan advisors to U.S. RLS teams, as well as advisors from non-Muslim countries. We would like regular updates on how effective embedded RLS advisors are to the program.

--Six-month review. We request an interim evaluation on the progress and effectiveness of the RLS at the six month point.

Because Embassy Kabul proposes to employ sole source contracting, without a competitive bidding process, we find it essential to have a mechanism that shows careful oversight of the activities and progress. Washington accepts that mid-February is the earliest target date by which the RLS program could start; we ask that post keep Washington apprised of any delays in meeting program implementation. We also ask that Embassy Kabul keep in mind the metrics requirement regarding ROL issues as the contract goes forward.

-- Allocation of resources. Washington understands that the USD 25 million figure for the RLS program breaks down to 30 percent towards the formal justice sector, 60 percent to informal, and 10 percent to legal awareness.

-- Washington/Embassy Kabul ROL working group. We anticipate continued, keen interest in the ROL program from the Hill. With the conclusion of the Afghan elections and agreement on a compact with the new government, Washington plans to provide regular briefings to Congress and will, therefore, require regular updates from the field. In addition, we want to ensure that the ROL program receives rapid Washington support/response to issues requiring Washington's assistance. For this reason, continued close collaboration between Washington and the field in this area remains crucial.

13. (U) We appreciate the importance of rule of law programming for our overall goals in Afghanistan, and thank post for its detailed and thoughtful work. This is a joint message from SRAP's office and D Lew's staff.
CLINTON